



Doc Code: AP.PRE.REQ

PTO/SB/33 (07/05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.51(b)(2)]		Application Number	Filed
		10/609,989	June 30, 2003
on <u>February 15, 2008</u>		First Named Inventor	
Signature <u><i>Nancy Meshkoff</i></u>		Xiao M. Gao	
Typed or printed name <u>Nancy Meshkoff</u>		Art Unit	Examiner
		2614	Alexander Jamal
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the		<u><i>[Signature]</i></u> Signature	
<input type="checkbox"/> applicant/inventor.		Timothy N. Trop	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		Typed or printed name	
<input checked="" type="checkbox"/> attorney or agent of record.		(713) 468-8680	
Registration number <u>28,994</u>		Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.		February 15, 2008	
Registration number if acting under 37 CFR 1.34 _____		Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input type="checkbox"/> Total of _____ forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	Xiao M. Gao et al.	§	
		§	Art Unit: 2614
		§	
Serial No.:	10/609,989	§	Examiner: Alexander Jamal
		§	
Filed:	June 30, 2003	§	Docket: ITL.0933US
		§	P15730
For:	Fuzzy Logic Impedance Mismatch	§	
	Network for DSL Qualification	§	Assignee: Intel Corporation
		§	

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Alexandria, VA 22313-1450

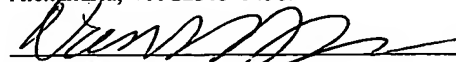
**STATEMENT IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

Pre-appeal review is requested because there is simply no basis for believing that the cited reference teaches the claim limitation that requires that the fuzzy inference system controller adjusts the impedance of one or more of the components of the impedance mismatch hardware to modify one or more characteristics of the received signal. In the Advisory Action, paragraph 81 of the cited Shi reference is cited. But paragraph 81 talks about a hybrid circuit that must be in effect turned off to use the Shi invention. That is because Shi sends out a signal and looks at what comes back. The hybrid circuit prevents receiving when sending or sending when receiving. Obviously, then, all that Shi does is turn off the hybrid circuit so sending and receiving can happen at the same time.

Date of Deposit: February 15, 2008

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Nancy Meshkoff

Nothing about turning off the hybrid circuit has anything to do with modifying the impedance of one or more components of any impedance mismatch hardware to modify one or more characteristics of the received signal. Thus, the rejection should be reversed.

Similarly, nothing in paragraphs 26-34 of the cited reference has anything to do with adjusting the impedance of anything or using a time between transmit and receive signals to determine the length of the telephone loop.

Walking through the cited paragraphs, paragraph 26 indicates that the loop length  $D$  "can be calculated for measurement of the characteristic resonant frequencies at which standing waves are present." This does not talk about adjusting any impedance, nor does it talk about using a time between transmit and receive signals to determine a loop length. Moreover, as explained in paragraph 3, one can solve for the loop length  $D$  from real and imaginary components of the voltage  $V(0)$  at two or more peak frequencies. The voltage  $V(0)$  is the voltage at the source end. Thus, one uses two or more different frequencies and measures the voltage at the source end to determine the distance  $D$ . There is no calculation of any time delay, nor is there any adjustment of any impedance.

No office action to date as indicated where any impedance is adjusted or where any time delay is determined. Reconsideration would be appropriate.

Claim 10 calls for transmitting a first signal and receiving a second signal. It further calls for adjusting impedance to amplify the second signal amplitude using impedance mismatch hardware. Then, the second signal is adjusted to a maximal value and the time between the first and second signals is used. There is no time in any of the equations set forth in the reference and, therefore, there is absolutely no basis for the rejection. Reconsideration would be appropriate.

Similarly, reconsideration of the rejection of claim 14 is called for. As a prerequisite to a basic rejection that constitutes a *prima facie* rejection, some showing of a determination of time difference in the reference is called for. A review of the equations set forth makes it explicitly clear that no determination of any time difference is ever taken. Instead, all that is done is to determine the voltage  $V(0)$  at two or more peak frequencies, as explained in paragraph 33.

What is more confusing is the citation of two different techniques for determining the distance. The first technique is contained in paragraphs 26-37. But the office action also cites a different technique, set forth in paragraph 38. It is called the time domain reflectometry. It would be improper for the Examiner to attempt to take aspects from two different and inconsistent

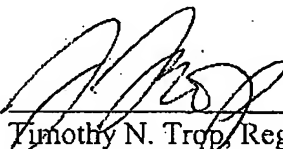
techniques and to join them to fashion some kind of rejection. That may be exactly what is happening here. The time domain reflectometry measurement does look at a time delay  $T_p$ . However, there is no adjusting of any impedance, nor is there any adjusting a second signal or any signal to a maximal value.

It is respectfully submitted that neither cited technique meets the claimed limitations and, further, that it would be inappropriate to attempt to combine two distinct techniques and to pick and choose procedures within each technique in a way never contemplated by anyone skilled in the art and in a way for which no rationale is provided within the reference.

Therefore, reconsideration is respectfully requested.

Respectfully submitted,

Date: February 15, 2008



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